

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**SHANNON MURPHY**

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\* **CASE NO. CV-07-336**

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**MOTION TO SUPPLEMENT TO 28 U.S.C. SECTION 2255**

Comes now Shannon Murphy by and through undersigned Counsel and files the supplement to the presently pending 28 U.S.C. §2255 and in support thereof states the following:

1. Murphy filed a timely 2255.
2. The Court has directed the Government to answer.
3. Counsel noted in the 2255 that she would supplement once the sentencing transcript was received.
4. Counsel is now in receipt of the sentencing transcript which has been filed with the Court.
5. Counsel does want to point to relevant portions of the transcript for the Court's consideration in support of her 2255. Specifically these transcript excerpts made clear that the intentions of this Court at sentencing have been frustrated by the Bureau of Prisons failure to place Murphy in the intensive substance abuse program which would have allowed for her to receive a 12 month sentence reduction and return home sooner. The transcript excerpts are noted as follows:

“THE COURT: I am from a small town. You are obviously from a small town and everybody knows what goes on in a small town. If I were to allow you to remain out with some type of split sentence that were you were serving in a county jail on the weekend, I don't think that would be best for you, Shannon. Without some structured oversight it is my fear that I would be contributing to your potential failure and that you would be involving me in the web of manipulation that you have done so successfully created. So I am going to remove you from

those people that you have become involved with so that you are not tempted when you are getting gas on the way home from work one afternoon and run into one of your friends that you have been involved in the methamphetamine business at the local Zippy Mart and you succumb so that temptation and we are right back into the position that you are in today except instead of looking at 24 to 30 months sentence you are going to be looking at substantially more time. Okay?... (ST-33-34)

MS. JAMES: Judge, the only thing I would point out since we haven't had an opportunity to speak informally with the Court since Mr. Lancaster went to find that information, he did indicate to me that in speaking with people at the Bureau of Prisons that she would be considered eligible at 24 months but there's still other factors that could influence whether or not she gets into that program. And I think all of us are on the same page that she does need to be on Adderal and drug rehab, so I am hoping that the Court in fashioning the sentence will consider that that is not a certainty even with the Court's recommendation.... (ST-35-36)

...THE COURT: ...the sentence that I am imposing, Ms. Murphy, is the lowest sentence that I can give you that provides you with the greatest benefit for returning to your family as soon, if not sooner, than had I departed down and required that you serve some amount of split sentence in a county facility. I want you to know that. You may not appreciate that right now, but I am confident in six months you will know exactly what I am talking about.

You have got a real opportunity. You are a young person with a family that cares very much for you, a child, the opportunity at vocational training, educational benefits while you are going to be placed in whatever federal facility that you would be placed. I hope that you take advantage of those programs and I hope that when you have paid your debt to society that you can return home not only a better mother but a better daughter and a productive member of society. And I hope that you and I never see each other under these circumstances. Because if I do, I make this solemn promise to you, Ms. Murphy, I will throw the book at you if you come back into this courtroom. And my time on this bench does not expire, barring some impeachment

proceedings, until December of 2023. And it is a lifetime appointment after that. I have never made this statement to another person, but I want you to understand that I will be here to watch over you for as long as you are going to be a middle-aged person.” (ST-38-39)

6. Wherefore, Murphy seeks an immediate hearing and the 2255 relief previously requested.

Respectfully submitted,

s/Susan G. James  
SUSAN G. JAMES  
Attorney at Law  
600 South McDonough Street  
Montgomery, Alabama 36104  
Phone: (334) 269-3330  
Fax: (334) 834-0353  
E-mail: [sgjamesandassoc@aol.com](mailto:sgjamesandassoc@aol.com)  
Bar No: JAM012

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2007 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Louis Franklin  
United States Attorney  
P.O. Box 197  
Montgomery, Alabama, 36101

s/Susan G. James  
SUSAN G. JAMES  
Attorney at Law  
600 South McDonough Street  
Montgomery, Alabama 36104  
Phone: (334) 269-3330  
Fax: (334) 834-0353  
E-mail: [sgjamesandassoc@aol.com](mailto:sgjamesandassoc@aol.com)  
Bar No: JAM012